

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

\_\_\_\_\_X

State of New York, et al.,

Plaintiffs,

v.

02 Civ. 7096 (LTS)

Salton, Inc.,

Defendants.

\_\_\_\_\_X

**PLAINTIFF STATE OF INDIANA'S PROPOSED *CY PRES* DISTRIBUTION PLAN**

In accordance with the terms of the parties' Settlement Agreement, which has been given final approval by order of this Court, Indiana Attorney General Steve Carter respectfully requests that the settlement monies allocated to Indiana under the parties' Settlement Agreement be distributed to Indiana's Meals on Wheels programs, as detailed below. It is the view of the Indiana Attorney General that given the population served by these programs and the critical need for such citizens to receive nutritious meals, such a proposed distribution in Indiana would be "utilized to benefit health or nutrition-related causes." Settlement Agreement, V.A.2., p. 11.

The Indiana Attorney General will contact each of the 416 Meals on Wheels programs in Indiana, advise each of the settlement, and provide them an opportunity to participate in the Salton *cy pres* distribution. The Indiana Attorney General proposes that each participating program receive a pro rata share of Indiana's Salton *cy pres* distribution of \$170,541.00, based upon the population of the county served by the participating program. Based on preliminary research, an average meal costs approximately \$5.50, which equates to 31,007 free meals for

Indiana citizens. These funds will be provided to Meals on Wheels programs with the explicit direction that the funds are to be used solely for the purpose of providing meals to homebound Hoosiers. The Office of the Attorney General will monitor the use of the funds and may request a final report detailing the expenditure of the funds.

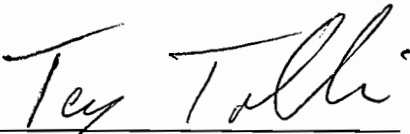
The Indiana Attorney General believes that the distribution of Indiana's share of the Salton *cy pres* distribution, as proposed herein, satisfies the standards set forth in the Settlement Agreement and is consistent with the principles of a *cy pres* distribution in this case. Accordingly, the Indiana Attorney General respectfully requests that Indiana's share of the Salton *cy pres* distribution be allocated as proposed.

Dated: July 7, 2004

Respectfully submitted,

STEVE CARTER  
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